

Appl. No. 09/416,757  
Amdt. Dated July 29, 2004  
Reply to Office action of May 3, 2004  
Attorney Docket No. P12128-2/040010-440  
EUS/J/P/04-6171

### **REMARKS/ARGUMENTS**

#### **1.) Claim Amendments**

The Applicant has amended Claims 1, 8-9, 11, and 13-14; Claims 5-7, and 16-19 have been cancelled. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-4 and 8-15 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **2.) Claim Rejections – 35 U.S.C. § 112**

The Examiner rejected Claims 8, 9, 11, 13 and 14 under 35 U.S.C. 11, second paragraph for having insufficient antecedent basis for the term "the network identity" in those claims. Applicant extremely appreciates the Examiner's careful review of the pending claims and appropriate corrections have been made.

#### **2.) Claim Rejections – 35 U.S.C. § 102(e)**

The Examiner rejected claims 1-4, 8, 9, 11 and 13 under 35 U.S.C. § 102(e) as being anticipated by Agraharam et al. (US 6,407,988). Applicant respectfully submit that this newly cited reference similarly fails to anticipate or render obvious the present invention and submit the following remarks for the Examiner's favorable reconsideration.

Applicant respectfully submits that the 102 reference must teach every aspect of the claim invention either explicitly or impliedly (MPEP 706.02). In that regard, *assuming arguendo* that the Examiner is correct in comparing the "home agent" and "foreign agent" in Agraharam as "a first gateway associated with the first network" and "a second gateway associated with the second network" as recited by the presently pending claims, a number of other recited steps are simply missing from the cited reference.

As repeatedly discussed in the previous responses to the office actions, the present invention discloses and claims a method "for keeping a session active and

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connected with a mobile device while changing data communications network from a first data communication network to a second data communication network."

Accordingly, after a mobile station establishes a communication session using a first gateway associated with a first network, the mobile station then moves out of the first network and moves into a second network. In response to the mobile station requesting a second connection with the second network, an address for a second gateway associated with the second network is acquired. After the mobile station has moved into the second network and after having acquired the network address for the second gateway, a tunnel is established between the first gateway and the second gateway to route packets that are already received by the first gateway over to the second gateway. In this way, as a particular mobile station changes networks by moving from one network area to another network area, a data session is maintained by the first gateway and the received data packets are continuously forwarded over to a newly assigned second gateway over an established tunnel without interruption.

Agraharam, on the other hand, merely discloses a "home agent (HA)" and a "foreign agent (FA)" all within the same wide area network (WAN). As further illustrated by Fig. 1 and 2 of Agraharam, the HA and the FA both exist within the same WAN area. Furthermore, rather than acting as a gateway for providing communication connections, a home agent (HA) "maintain a database regarding each mobile host for which they provide mobility support." Likewise, a foreign agent (FA) "maintains a database regarding each mobile host for which it is acting as a foreign agent." (Agraharam, Col. 4, lines 5-17). As a result, HA handles its own subscribers and FA handles visiting subscribers. Accordingly, Applicant respectfully submits that the HA and FA are quite different than the first gateway associated with the first network and the second gateway associated with the second network as currently claimed.

Additionally, even if the Examiner is correct in comparing the "HA / FA" as "gateways" in the present invention, Agraharam still fails to disclose or teach the recited steps of establishing a first connection in the first data communication network, requesting a second connection with a second data communication network while the mobile station (device) is moving towards the second data communication network,

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acquiring an address of a second gateway in the second network and then establishing a tunnel between the two gateways.

As a matter of facts, the relevant portion of Agraharam merely shows a first device (corresponding host 150, Fig. 2) initiating a new communication towards a second device (mobile host 1001.1, Fig. 2) wherein the second device can be located anywhere in the same WAN area. Per Agraharam, data transmitted by the first device is first routed to the home agent associated with the second device and then further "tunneled" over to the foreign agent using the second device's care-of-address. In other words, Agraharam fails to disclose or teach a mobile device changing data communication network from a first network to a second network while keeping an existing session active and still receiving the data packets received by the previous gateway (first gateway) as currently claimed. Rather, Agraharam merely discloses initiating a new connection from one device to another device using two agents for keeping track of their home addresses with their virtual home addresses.

Since at least the above-mentioned steps are neither disclosed nor taught by Agraharam, Applicant once again respectfully submit that the pending claims are patentable and a Notice of Allowance is respectfully requested.

#### 4.) Claim Rejections – 35 U.S.C. § 103 (a)

The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Agraharam in view of Turunen. Claim 10 as well as all other dependent claims are depend from now allowable independent Claim 1 and recite further limitations in combination with the novel elements thereof. A Notice of Allowance for all pending claims is earnestly requested.

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### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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